

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 07 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

CARL DAHLSTRAND, as personal
representative of the estate of LOLA
DAHLSTRAND,

Plaintiff - Appellant,

v.

SECURITY TITLE AGENCY, INC.,
LONG-TERM DISABILITY PLAN;
UNUM LIFE INSURANCE COMPANY OF
AMERICA,

Defendants - Appellees.

No. 04-15809

D.C. No. CV-03 00101 PHX JAT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Argued and Submitted September 30, 2005
The University of Arizona - Tucson, Arizona

Before: HAWKINS, THOMAS, and MCKEOWN, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to
or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

We affirm the district court's summary judgment grant in favor of defendants. Even if we were to apply de novo review, UNUM was not provided sufficient evidence that Lola Dahlstrand was continuously disabled, as defined by the plan, prior to the end of her coverage through the ninety-day elimination period, as required by the plan. While some of her treating physicians stated that she was disabled, their statements did not provide sufficient detail regarding when and how she was disabled during the relevant time period.

AFFIRMED.